

REMARKS

Reconsideration of the present application is requested.

FORMALITIES

The Examiner has not indicated the status of the drawings. Applicants request the Examiner do so in the next PTO correspondence.

The Office Action Summary acknowledges Applicants' claim for foreign priority and receipt of the necessary priority documents in this National Stage application.

The Information Disclosure Statements filed December 22, 2005 and July 12, 2007 have been considered.

CLAIM OBJECTIONS

Page 2 of the Office Action includes an objection to claims 1-3, 6, 7, 11 and 12 due to informalities. Applicants have amended these claims taking into account the Examiner's comments. Withdrawal of this objection is requested.

§ 112 REJECTIONS

Claims 1-4, 6, 8, 9, 11-14, 16-18 and 19 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite. Applicants have amended the claims where necessary taking into account the Examiner's comments.

With respect to claims 2, 3 and 12, Applicants traverse this rejection.

At page 3, the Office Action states in-part:

Claim 3 contains a conditional statement. It is unclear and indefinite in the fourth claim limitation what happens if the information enquiry data of the information seeker does not correspond to the information offer data of an information provider.

The determination as to whether a claim particularly points out and distinctly defines the metes and bounds of the subject matter to be protected is an objective one "evaluated in the context of [...] whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art." MPEP § 2171.

For claim 3 to be clear, one of ordinary skill need only understand that the scope of the claim includes, *inter alia*, "transmitting search result data to a terminal of an information seeker if the information enquiry data of the information seeker corresponds to the information offer data of an information provider." Indeed, the question as to "what happens if the information enquiry data of the information seeker does not correspond to the information offer data of an information provider" is irrelevant. Therefore, the recitation of "transmitting search result data to a terminal of an information seeker if the information enquiry data of the information seeker corresponds to the information offer data of an information provider" does not render claim 3 indefinite. Similar arguments apply *mutatis mutandis* to each of claims 2 and 12.

With respect to claim 1, Applicants traverse this rejection.

At page 4, the Office Action states:

Claim 1 the body of the claim reciting "test data" has a lack of connection to the preamble and the title of the invention. Claims 2, 4, 6, 11, 13, 14, 16, 18, and 19 have a similar issue.

As mentioned above, the relevant inquiry here is whether the scope of claim 1 is clear to one of ordinary skill in the pertinent art. MPEP § 2171. The "lack of connection [between test data and] the preamble and the title of the invention" does not render claim 1 unclear to one of ordinary skill, and thus, does not render claim 1 indefinite. Indeed, Applicants are not aware of any requirement, either statutory or otherwise, that requires each and every claim term to have a "connection" with the title

of the invention, or how such a lack of connection renders a claim indefinite. Therefore, claim 1 is in accordance with 35 U.S.C. § 112. Similar arguments apply *mutatis mutandis* to each of claims 4, 6, 11, 13, 14, 16 and 18.

Withdrawal of this rejection is requested.

§ 102 REJECTIONS

Claims 1, 2, 11 and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,960,403 ("Brown"). This rejection is respectfully traversed.

The method of claim 1 requires, *inter alia*, "admitting the information provider by the transmission device to the method for transmitting information between information providers and information seekers in dependence on the quality of the test data." At pages 4 and 5, the Office Action directs Applicants' attention to column 5, lines 4-25 of Brown to disclose this feature. Applicants disagree.

Brown discloses a method and system for remotely monitoring a patient and for training the patient to comply with a treatment plan for a health condition.

According to the method disclosed by Brown, data relating to the patient's health condition is entered into a patient computing device and transmitted from the patient computing device to a clinician computer via a communication network. The data received at the clinician computer is analyzed to determine an educational need of the patient. An educational program corresponding to the educational need is then selected and a pointer to the selected educational program is embedded in an electronic message sent to the patient. The electronic message is transmitted through the communication network to the patient computing device. The educational program starts on the patient computing device when the patient selects the embedded pointer.

More concisely, a patient enters data (e.g., blood glucose levels) into the patient computing device and this data is transmitted to a clinician computer, which analyzes the data to determine an educational need of the patient. An educational program corresponding to the educational need is then selected and the patient is notified of this educational program. But, in the method disclosed by Brown, neither the patient computing device nor the clinician computer of Brown are admitted by a transmission device to transmit information between information providers and information seekers depending on the quality of the test data. Indeed, Brown does not disclose or fairly suggest any admission of the patient computing device or clinician computer is conditioned upon *quality* of test data. Therefore, Brown does not disclose or fairly suggest at least "*admitting the information provider by the transmission device to transmit information between information providers and information seekers depending on the quality of the test data*" as required by claim 1.

For at least the foregoing reasons, claim 1 is not anticipated by Brown. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Claim 2 is not anticipated by Brown at least by virtue of its dependency from claim 1. *Id.* Claims 11 and 16 are not anticipated by Brown for at least reasons somewhat similar to those set forth above with regard to claim 1. *Id.*

Withdrawal of this rejection is requested.

§ 103 REJECTION

Claims 3-10, 12-15 and 17-19 stand rejected under 35 U.S.C. §103(a) as unpatentable over Brown in view of WO 02/06990 ("Jacobson"). This rejection is respectfully traversed in that assuming *arguendo* Jacobson could be combined with Brown, which Applicants do not admit, the resultant combination fails to render claims 3-10, 12-15 and 17-19 obvious because Jacobson suffers from at least the

same deficiencies as Brown with respect to claims 1, 11 and 16. More specifically, with regard to claim 1, Jacobson fails to disclose or suggest at least "admitting the information provider by the transmission device to the method for transmitting information between information providers and information seekers in dependence on the quality of the test data."

Withdrawal of this rejection is requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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